

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RICK HARRISON, JOHN BUCKLEY III,
MARGARET LOPEZ, ANDY LOPEZ, KEITH
LORENSEN, LISA LORENSEN, EDWARDS
LOVE, ROBERT MCTUREOUS, DAVID
MORALES, GINA MORRIS, MARTIN SONGER,
JR., SHELLY SONGER, JEREMY STEWARD,
KESHA STIDHAM, AARON TONEY, ERIC
WILLIAMS, CARL WINGATE, AND TRACY
SMITH, as Personal Representative of the Estate of
Rubin Smith,

Plaintiffs,

vs.

THE REPUBLIC OF SUDAN,

Defendant,

vs.

BNP PARIBAS,

Respondent.

Case No. 1:13-cv-03127 (AT)

**AMENDED TURNOVER ORDER
AGAINST BNP PARIBAS**

**REDACTED PURSUANT TO
PROTECTIVE ORDER**

AND NOW, this ____ day of _____, 2013, upon Plaintiffs' Petition for Turnover Order Against BNP Paribas pursuant to 28 U.S.C. § 1610(g), CPLR § 5225(b) and Federal Rule of Civil Procedure 69(a), and Plaintiffs' Unopposed Motion for Order Amending Turnover Order Against BNP Paribas, the Motion is GRANTED. The Court hereby finds and orders as follows:

1. Plaintiffs obtained a judgment in the District Court for the District of Columbia in the amount of \$314,705,896, plus interest (the “Judgment”), and the entire principal amount of the Judgment remains unsatisfied.

2. Funds held at BNP Paribas New York Branch are subject to execution and attachment under the Foreign Sovereign Immunities Act because the owners of the funds are agencies and instrumentalities of the Republic of Sudan.

3. [REDACTED], also known as [REDACTED], is an agency and instrumentality of the Sudanese government. The following accounts, totaling [REDACTED], plus accrued interest, are subject to execution to satisfy the Plaintiffs’ outstanding judgment:

<u>Respondent Bank</u>	<u>Account Beneficiary</u>	<u>Blocking Date</u>	<u>Value</u> (as of June 30, 2012)
BNP Paribas	[REDACTED] [REDACTED]	[REDACTED]	[REDACTED]
BNP Paribas	[REDACTED]	[REDACTED]	[REDACTED]
BNP Paribas	[REDACTED] [REDACTED]	[REDACTED]	[REDACTED]
BNP Paribas	[REDACTED] [REDACTED]	[REDACTED]	[REDACTED]
BNP Paribas	[REDACTED]	[REDACTED]	[REDACTED]

4. [REDACTED], Sudan is an agency and instrumentality of the Sudanese government. The following accounts, totaling [REDACTED],

plus accrued interest, are subject to execution to satisfy the Plaintiffs' outstanding judgment:

<u>Respondent Bank</u>	<u>Account Beneficiary</u>	<u>Blocking Date</u>	<u>Value</u> (as of June 30, 2012)
BNP Paribas	[REDACTED]	[REDACTED]	[REDACTED]
BNP Paribas	[REDACTED]	[REDACTED]	[REDACTED]
BNP Paribas	[REDACTED]	[REDACTED]	[REDACTED]
BNP Paribas	[REDACTED]	[REDACTED]	[REDACTED]

5. [REDACTED] is an agency and instrumentality of the Sudanese government. The following accounts, totaling [REDACTED], plus accrued interest, are subject to execution to satisfy the Plaintiffs' outstanding judgment:

<u>Respondent Bank</u>	<u>Account Beneficiary</u>	<u>Blocking Date</u>	<u>Value</u> (as of June 30, 2012)
BNP Paribas	[REDACTED]	[REDACTED]	[REDACTED]
BNP Paribas	[REDACTED]	[REDACTED]	[REDACTED]

6. [REDACTED], formerly known as [REDACTED]

[REDACTED], is an agency and instrumentality of Sudan. The following

account, totaling [REDACTED], plus accrued interest, is subject to execution to satisfy the Plaintiffs' outstanding judgment:

<u>Respondent Bank</u>	<u>Account Beneficiary</u>	<u>Blocking Date</u>	<u>Value</u> (as of June 30, 2012)
BNP Paribas	[REDACTED] [REDACTED]	[REDACTED]	[REDACTED]

7. [REDACTED] is an agency and instrumentality of Sudan. The following account, totaling [REDACTED], plus accrued interest, is subject to execution to satisfy the Plaintiffs' outstanding judgment:

<u>Respondent Bank</u>	<u>Account Beneficiary</u>	<u>Blocking Date</u>	<u>Value</u> (as of June 30, 2012)
BNP Paribas	[REDACTED]	[REDACTED]	[REDACTED]

8. [REDACTED] is an agency and instrumentality of Sudan. The following accounts, totaling [REDACTED], plus accrued interest, are subject to execution to satisfy the Plaintiffs' outstanding judgment:

<u>Respondent Bank</u>	<u>Account Beneficiary</u>	<u>Blocking Date</u>	<u>Value</u> (as of June 30, 2012)
BNP Paribas	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]	[REDACTED]
BNP Paribas	[REDACTED] [REDACTED]	[REDACTED]	[REDACTED]

BNP Paribas	[REDACTED] [REDACTED] [REDACTED]	[REDACTED]	[REDACTED]
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9. The Court hereby directs BNP Paribas to turn over the proceeds of the foregoing accounts, totaling [REDACTED] (the “Turnover Assets”), together with any accrued interest, to the Plaintiffs within ten (10) days from the date of this Order.

10. An OFAC license is not necessary to disburse these funds and no notice is necessary to the Sudanese agencies and instrumentalities. *See Heiser v. Bank of Tokyo Mitsubishi UFJ, New York Branch*, 919 F. Supp. 2d 411, 422 (S.D.N.Y. 2013); *Heiser v. Islamic Republic of Iran*, 807 F. Supp. 2d 9, 23 (D.D.C. 2011); *Weininger v. Castro*, 432 F. Supp. 2d 457 (S.D.N.Y. 2006).

11. Upon turnover by BNP Paribas of the Turnover Assets to the Plaintiffs, plus all accrued interest thereon to date, BNP Paribas shall be fully discharged pursuant to CPLR §§ 5209 or 6204 and Rule 22 of the Federal Rules of Civil Procedure, as applicable, and released from any and all liability and obligations or other liabilities, including all writs of execution, notices of pending action, restraining notices and other judgment creditor process of any kind, whether served on, or delivered to BNP Paribas, to the extent that they apply, purport to apply or attach to the Turnover Assets, to defendant Sudan, and to any agency and instrumentality of Sudan, or to any other party otherwise entitled to claim the Turnover Assets (in whole or in part), including without limitation, the plaintiffs in *Owens, et al. v. Republic of Sudan, et al.*, 1:01-cv-02244-JDB (D.D.C.), and any other persons or entities, to the full extent of such amounts so held and deposited in compliance

with this partial judgment. BNP Paribas shall provide a copy of this order to counsel for Owens within 5 days of the date of this order.

12. Upon payment and turnover by BNP Paribas of the Turnover Assets to the Plaintiffs, plus all accrued interest thereon to date, all other persons and entities shall be permanently restrained and enjoined from instituting or prosecuting any claim, or pursuing any action against BNP Paribas in any jurisdiction or tribunal arising from or relating to any claim (whether legal or equitable) to the funds turned over in compliance with paragraph 9 of this Order.

13. This Order enforces a duly registered District Court judgment from the District of Columbia, recognized by a New York Federal Court and given full faith and credit by this Court.

14. This Order supersedes any prior order relating to the Turnover Assets described in this Order.

So ordered,

, J.

Date: November ___, 2013